

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RITA GLOVER, et al.,
Plaintiffs,
v.

COUNTY OF SAN MATEO, et al.,
Defendants.

Case No. [24-cv-08793-HSG](#)

**ORDER GRANTING MOTION FOR
LEAVE TO AMEND**

Re: Dkt. No. 49

Pending before the Court is Plaintiffs' motion for leave to file a second amended complaint. Dkt. No. 49. For the following reasons, the Court grants the motion.

I. BACKGROUND

Plaintiffs initially filed this section 1983 action on December 5, 2024. *See* Dkt. No. 1. On January 23, 2025, Defendants moved to dismiss the complaint. Dkt. No. 14. Shortly thereafter, Plaintiffs filed their first amended complaint, Dkt. No. 15, and Defendants again moved to dismiss. Dkt. No. 26.

On May 19, 2025, the Court issued a scheduling order setting August 19, 2025 as the deadline for Plaintiffs to amend their pleadings. *See* Dkt. No. 46. On August 19, 2025, Plaintiffs filed a motion for leave to file a second amended complaint and explained that the amended complaint would (1) name Officer Erick Chavez as a defendant and (2) add a First Amendment retaliatory detention claim. Dkt. No. 49 ("Mot."). Defendants oppose. *See* Dkt. Nos. 52–54.

II. LEGAL STANDARD

Since Plaintiffs timely filed this request for leave to amend by the deadline in the scheduling order, the Court looks to Federal Rule of Civil Procedure 15 to determine whether

1 amendment is appropriate.¹

2 Under Rule 15(a)(1), “[a] party may amend its pleading once as a matter of course . . . 21
3 days after service of a motion under Rule 12(b) . . .” Fed. R. Civ. P. 15(a)(1)(B). Under Federal
4 Rule of Civil Procedure 15(a)(2), “[i]n all other cases, a party may amend its pleading only with
5 the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). “[L]eave to
6 amend shall be freely granted ‘when justice so requires.’” *Townsend v. Univ. of Alaska*, 543 F.3d
7 478, 485 (9th Cir. 2008) (quoting Fed. R. Civ. P. 15(a)(2)). “This policy is to be applied with
8 extreme liberality.” *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003)
9 (quotation omitted). When considering whether to grant leave to amend, the court considers
10 several factors, including (1) bad faith, (2) undue delay, (3) prejudice to the opposing party, (4)
11 futility of amendment, and (5) previous amendments. *See Foman v. Davis*, 371 U.S. 178, 182
12 (1962). The Court weighs prejudice to the opposing party most heavily. *Eminence Capital*, 316
13 F.3d at 1052. “Absent prejudice, or a strong showing of any of the remaining *Foman* factors,
14 there exists a *presumption* under Rule 15(a) in favor of granting leave to amend.” *Id.* (emphasis in
15 original).

16 **III. DISCUSSION**

17 Upon considering the relevant factors, the Court finds that leave to file a second amended
18 complaint should be granted under this circuit’s liberal standard.

19 Plaintiffs’ request is timely and does not appear to be made in bad faith. On July 7, 2025,
20 Plaintiffs received an extensive document production, including body worn camera footage, from
21 Defendant Redwood City. Dkt. No. 49-1 at 2. Within six weeks, Plaintiffs reviewed the
22 disclosures and requested leave to amend. *Id.* Moreover, Plaintiffs filed their motion for leave to
23 amend before the amendment of pleadings deadline expired and sought to work with opposing
24 counsel to avoid a contested motion. *See id.*

25 Amendment is also unlikely to prejudice Defendants. Plaintiffs seek to add a First

27 ¹ Defendants argue that the deadline for Plaintiffs to file a motion for leave to amend was “no
28 later than July 15, 2025 – 35 days prior to the last day for the Court to hear any such motion
[August 19, 2025].” Dkt. No. 52 at 8. This is incorrect. The Court’s scheduling order set August
19, 2025 as the deadline for Plaintiffs to seek leave to amend.


1 Amendment retaliatory detention claim, based on the same material facts already alleged in prior
2 complaints, and to substitute a named officer for a previously unidentified Doe Defendant. The
3 essence of the case remains what it has been from the beginning: Plaintiffs' claims about a number
4 of allegedly unlawful actions by Defendants during an altercation in a park. And in any event, the
5 expansion of a case due to the addition of new causes of action is not inherently prejudicial,
6 especially when a case is still in its early stages. *See Union Pac. R. Co. v. Nevada Power Co.*, 950
7 F.2d 1429, 1432 (9th Cir. 1991). In addition, the Court cannot conclude that amendment would
8 be futile, and Plaintiffs have only amended their complaint once before. For these reasons, the
9 Court finds leave to amend the complaint to be warranted.

10 **IV. CONCLUSION**

11 The Court **GRANTS** Plaintiffs' motion for leave to amend the complaint, Dkt. No. 49.
12 Plaintiffs shall file their second amended complaint on the docket within three days from the date
13 of this order. Defendants' motion to dismiss, Dkt. No. 26, is **TERMINATED AS MOOT** in light
14 of the second amended complaint.

15
16 **IT IS SO ORDERED.**

17 Dated: 9/3/2025

18 
19 HAYWOOD S. GILLIAM, JR.
United States District Judge